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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/931,855	08/20/2001	Tetsuya Hara	401341	3543

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WASHINGTON, DC 20005-3960

EXAMINER

CHAU, COREY P

ART UNIT	PAPER NUMBER
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2644

DATE MAILED: 07/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

09/931,855

Applicant(s)

HARA, TETSUYA

Examiner

Corey P. Chau

Art Unit

2644

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 07 June 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: 4, 7, 12, and 13.  
Claim(s) rejected: 1-3, 5, 6, 8-11 and 14.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See attach note.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

**NOTE**

1. Applicant's arguments filed 06/07/05 have been fully considered but they are not persuasive.

2. With respect to Applicant's argument on page 5, stating that "In rejecting claims 1, 2, 3, and 5 as anticipated, the Examiner cited two different parts of Fujii The first part at column 4, lines 3-25 is merely a part of the Summary of the Invention section of that patent and is not particularly specific. The other cited part of Fujii consists of claims 1, 7, 11, and 13 of Fujii. Again, the language of these claims is very similar to the cited portion of the Summary of the Invention section. The Examiner did not point out with respect to any particular embodiments described in Fujii where various elements of the rejected claims might be found", has been noted. The Examiner respectfully disagrees. Any part of the reference can be used to anticipated Applicant's invention and Examiner as cited portions of the reference to show some examples of pertinent disclosure, however the reference as whole should still be considered.

3. With respect to Applicant's argument on page 5, stating that "The Examiner asserted that Fujii described "grouping respective pluralities of the sample data, after decoding, into respective blocks" in the cited portion of the Fujii specification and claims. In fact, there is no description at either of those locations of any grouping, i.e., the formation of respective blocks of pluralities of sample data, after that sample data has been decoded", has been noted. The Examiner respectfully disagrees. Any part of the reference can be used to anticipated Applicant's invention and Examiner as cited portions of the reference to show some examples of pertinent disclosure, however the

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reference as whole should still be considered. Applicant discloses "coded sample data", which is not clearly defined in the claims and can be interpret as any data coded by any formats such as a modulated channel data that has been encoded by QAM, QPSK, or the like; or a multiplexed data, which reads on "coded sample data". Therefore demodulating or demultiplexing reads on "decoding coded sample data". See Fig. 7; column 6, lines 12-32. The signal received by the demodulator or demultiplexer contains audio data. Applicant discloses "grouping respective pluralities of the sample data, after decoding, into respective blocks", which is not clearly defined and can be interpret as many things such as the filtering process, wherein the filter process filters the data into video, audio or PSI, which reads on "grouping respective pluralities of the sample data, after decoding, into respective blocks" because how group are formed or a particular format is not clearly defined. See Figs. 7 and 15; column 7, lines 9-47.

4. With respect to Applicant's argument on page 5, stating that "In citing Ishii, the Examiner directed attention to one of the figures and three particular paragraphs of Ishii. However, none of that disclosure describes decoding coded sample data followed by grouping of respective pluralities of the sample data, after decoding, into respective blocks much less adding to the respective blocks particular control information relating to attributes of the plurality of sample data", has been notes. The Examiner respectfully disagrees. See response above.



XU MEI  
PRIMARY EXAMINER